



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDERS ALM, et al.,

Plaintiffs,

- against -

JEREMY SPENCE and JOHN DOE NO. 1
a/k/a BLACKXANTUS,

Defendants.
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19-CV-4005 (GBD) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court currently is conducting an inquest on damages. By letter dated September 30, 2022 (Dkt. 32), Plaintiffs' counsel – Maynard Cooper & Gale P.C. – requested that they be granted leave to withdraw from representation of 12 individual plaintiffs due to irreconcilable differences and that counsel does not assert a charging lean. The letter request is insufficient. Plaintiff must file a motion consistent with Local Civil Rule 1.4, which requires a supporting affidavit or the like. Additionally, counsel's stated reason for withdrawal is too general and requires elaboration (including with respect each plaintiff individually). Accordingly, it is hereby ORDERED:

1. By **October 10, 2022**, Plaintiffs' counsel shall file a motion to withdraw with supporting affidavit(s) or declaration(s).

2. Within three days of filing the motion to withdraw, Plaintiffs' counsel must serve the motion papers, and a copy of this order, on all plaintiffs as to which counsel seeks to withdraw and on defendant Spence. Within three days of effecting service, Plaintiffs' counsel must file proof of service of same.

3. Any plaintiff or party who wishes to oppose the motion to withdraw shall file any opposition papers no later than **October 27, 2022**.

4. If the Court grants withdrawal of counsel as to any plaintiff, then that plaintiff will have 30 days from entry of the order of withdrawal to appear in the case through counsel. If any such plaintiff does not appear by counsel, that plaintiff will be deemed to be proceeding pro se. **In either event, within 30 days from entry of the order permitting withdrawal, any plaintiff, whether represented by counsel or not, will need to submit a sworn affidavit or declaration attesting to the damages allegedly incurred due to Spence's conduct. Any plaintiff who does not submit such an affidavit or declaration will be deemed to have failed to prosecute their case and will not be able to recover damages.**

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 3, 2022
New York, New York

Copies transmitted this date to all counsel of record.